



AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claim 1. (Currently Amended) A An isolated corn root preferential promoter fragment comprising ~~a nucleotide sequence selected from the following group of nucleotide sequences:~~

~~a) a nucleotide sequence comprising the nucleotide sequence of SEQ ID NO: 1 from the nucleotide at position 1 to the nucleotide at position 338 or SEQ ID NO: 2 from the nucleotide sequence at position 11 to the nucleotide at position 1196;~~

~~and,~~

~~e) a nucleotide sequence having at least 97% sequence identity to the nucleotide sequence of SEQ ID NO: 1 from the nucleotide at position 1 to the nucleotide at position 338 or SEQ ID NO: 2 from the nucleotide at position 11 to the nucleotide at position 1196.~~

Claim 2. (Currently Amended) A An isolated corn root preferential promoter region comprising a corn root preferential promoter according to claim 1.

Claim 3. (Currently Amended) The isolated corn root preferential promoter region according to claim 2, further comprising the nucleotide sequence of SEQ ID NO: 1 from the nucleotide at position 339 to the nucleotide at position 366.

Claim 4. (Currently Amended) The isolated corn root preferential promoter region according to claim 2, further comprising the nucleotide sequence of SEQ ID NO: 14 from the nucleotide at position 1281 to the nucleotide at position 1308 or the complement of the nucleotide sequence of SEQ ID NO:13 from the nucleotide at position 4518 to the nucleotide at position 4542.

Claim 5. (Original) A chimeric gene comprising the following operably linked DNA regions

- a) a corn root preferential promoter according to claim 1;
- b) a heterologous DNA region encoding a biologically active RNA of interest; and
- c) a transcription termination and polyadenylation signal.

Claim 6. (Original) The chimeric gene according to claim 5, wherein said biologically active RNA encodes a protein of interest.

Claim 7. (Original) The chimeric gene according to claim 6, wherein said protein is a protein which when expressed in the cells of a plant confers pest or pathogen resistance to said plant.

Claim 8. (Currently Amended) The chimeric gene according to claim 7, wherein said protein is ~~ISPA1~~ ISP1A or ~~ISPA2~~ ISP2A from *Brevibacillus laterosporus*.

Claim 9. (Original) A plant cell comprising a chimeric gene according to any one of claims 5 to 8.

Claim 10. (Original) A plant comprising in its cells a chimeric gene according to any of claims 5 to 8.

Claim 11. (Original) The plant according to claim 10, which is a corn plant.

Claim 12. (Original) A seed of a plant comprising in its cells a chimeric gene according to any one of claims 5 to 8.

Claim 13. (Currently Amended) A method for expressing a biologically active RNA preferentially in the roots of a corn plant, said method comprising

- a) ~~providing~~ introducing into the cells of the roots of said corn plant ~~plants~~ with a chimeric gene according to any one of claims 5 to 8; and
- b) growing said corn plant ~~plants~~.

Claims 14-18. (Canceled).